

# **ACLU of Indiana, Indiana Protection and Advocacy Services Win U.S. District Court Decision Regarding Inhumane Treatment of Prisoners**

***“A prison that deprives prisoners of adequate medical care is incompatible with the concept of human dignity,” cites Judge Tanya Walton Pratt***

Indianapolis – Mentally ill prisoners placed in isolation and deprived of adequate medical treatment experience hallucinations, depression and other symptoms. Since 2007, at least 11 of these prisoners have committed suicide. On Monday, a federal judge ruled that such treatment by the Indiana Department of Correction violates the Eighth Amendment prohibition against cruel and unusual punishment.

“More than 200 years of scholarship has recognized that which should be obvious to all: Placing seriously mentally ill persons in segregated settings featuring prolonged isolation and little to no treatment merely increases mental illness and is incredibly damaging,” said ACLU of Indiana Legal Director Ken Falk. “The ACLU of Indiana is happy that the Court has entered this decision that will force the Indiana Department of Correction to provide minimally adequate treatment to prisoners who will one day rejoin society.”

Judge Tanya Walton Pratt in the United States District Court for the Southern District of Indiana concluded that the Indiana Department of Correction is violating the Eighth Amendment’s prohibition against cruel and unusual punishment by placing hundreds of offenders with serious mental illnesses in segregated confinement. Around 450 mentally ill prisoners are being held in isolation, but the ruling will affect hundreds, if not thousands of inmates across the state.

This confinement generally consists of requiring offenders to spend 23 hours a day or more in their cells, with very limited access to treatment, and often causes significant worsening of symptoms and illness – including hallucinations, paranoia, depression, self-harm, or even suicide—for persons with pre-existing mental health conditions.

The State has more than 1,600 segregation beds at 14 facilities, including the Indiana State Prison at Michigan City, the Indiana Women’s Prison in Indianapolis, and prisons at Branchville, Pendleton, Plainfield, Putnamville, Rockville, Wabash Valley and Westville. IDOC also possesses a specific psychiatric unit at the New Castle Correctional Facility. The Court found that this unit features prisoner isolation and infrequent treatment similar to that experienced in the Department’s segregation units.

In its decision, the Court noted that nearly 50 percent of inmate suicides occurring within the Department of Correction since 2007 were committed by mentally ill offenders in a segregated setting, and that the evidence “overwhelmingly show[ed] that decompensation [a worsening of symptoms and illness] is psychologically painful to a mentally ill prisoner.” The Court also found that

the harmful effects of segregation on mentally ill offenders were known to the Department of Correction.

This decision follows a week-long trial that took place in July of 2011 in a case brought by the ACLU of Indiana on behalf of the Indiana Protection and Advocacy Services Commission and a class of inmates with serious mental illnesses. While the Court found that the plaintiffs' constitutional rights have been violated, it has not yet issued an order regarding the appropriate remedy.

David Smith, Interim Legal Services Director of the Indiana Protection and Advocacy Services Commission, said, "As both co-plaintiff and co-counsel in the case, IPAS strongly agrees with the ruling of the Court stating that the actions and conduct of the Indiana Department of Correction showed 'deliberate indifference' to the basic care and welfare of inmates in IDOC with serious mental illness who were not provided treatment and kept in segregated settings to their detriment. IPAS looks forward to working with and assisting the Court in determining an appropriate remedy to this problem, which will stop the non-treatment and mistreatment of inmates in IDOC with serious mental illness, now and in the future."

ACLU of Indiana Executive Director Jane Henegar said, "A civilized society treats everyone with humanity. That is the aspiration contained in the Eighth Amendment's prohibition against cruel and unusual punishment and the motivation of the ACLU of Indiana in this case."

The decision is entered in the United States District Court, Southern District of Indiana Indianapolis Division as Case No. **1:08-cv-01317-TWP-MJD**.